

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GLENN JOHNSON,

Plaintiff,

ORDER

-against-

23-cv-3091 (JHR) (JW)

THE CITY OF NEW YORK, *et al.*,

Defendant.

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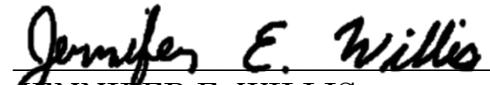
JENNIFER E. WILLIS, United States Magistrate Judge:

The Court is in receipt of *pro se* Plaintiff Mr. Glenn Johnson's letter regarding the timing for Defendant's response to the Valentin Order regarding identifying a defendant. Dkt. No. 20. Plaintiff recently filed a change of address noting that he changed facilities. Dkt. No. 19. Prior to Plaintiff changing facilities, this Court previously granted Defendant's extension request regarding identifying unknown DOC employee-defendant to September 24, 2023. Dkt. No. 16. For ease of reference, the Court re-attaches the prior order where the Court granted the extension request.

The Clerk of Court is requested to mail a copy of this order to the Plaintiff.

SO ORDERED.

DATED: New York, New York
September 8, 2023


JENNIFER E. WILLIS
United States Magistrate Judge



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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GRANTED. SO ORDERED.

A handwritten signature in black ink that reads "Jennifer E. Willis".

Jennifer E. Willis
United States Magistrate Judge

August 25, 2023

Re: Johnson v. the City of New York, et al., 23-CV-3091

Your Honor:

I am an Assistant Corporation Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for the City of New York in the above matter. I respectfully write today to: (1) waive service on behalf of the City, and (2) request a thirty day extension to identify the unknown DOC employee-defendant plaintiff intends to sue here from August 25, 2023 to September 24, 2023. This is the first modification sought to the deadline at issue, and, because plaintiff is currently incarcerated, I write without knowledge of his position.

In brief, plaintiff sues here alleging that DOC staff, specifically a CO McCutchen as well as an unidentified officer, failed to intervene in a July 1, 2022 incident in which other inmates assaulted plaintiff at the EMTC facility on Rikers Island. (See ECF No. 1). By a June 26, 2023 Order of Service, the District Court directed the City to waive service and identify the unnamed defendant no later than August 25, 2023. (See ECF No. 6).

First, the City hereby waives formal service, making its impending answer due October 23, 2023. Second, at this time, I still await the necessary documents to identify the John Doe defendant involved in the July 1, 2022 incident at issue here in compliance with Fed. R. Civ. P. 11(a)'s due diligence requirements. Accordingly, the City respectfully moves for a thirty day extension to provide this information, which, if granted, would require a response no later than September 24, 2023.

Thank you for your consideration herein.